

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ DEC 13 2011 ★

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KATO COLEMAN,

LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER

10-CV-5404 (SJF)(ETB)

TRADER JOE'S CORPORATION,

Defendant.

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FEUERSTEIN, J.

On November 19, 2010, pro se plaintiff Kato Coleman ("plaintiff") commenced this action against defendant Trader Joe's Company ("defendant")¹, alleging violations of Title VII of the Civil Rights Act of 1964. Complaint [Docket Entry No. 1] at 1-4.

Presently before the Court is the Report and Recommendation (the "Report") of Magistrate Judge E. Thomas Boyle, dated November 18, 2011, recommending that defendant's motion to dismiss be granted pursuant to Federal Rules of Civil Procedure 16(f), 37(b)(2)(A)(v) and 41(b). [Docket Entry No. 31]. No objections to the Report have been filed. For the following reasons, the Court accepts Magistrate Judge Boyle's Report in its entirety.

¹ Defendant is incorrectly sued herein as "Trader Joe's Corporation."

I

Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Johnson v. Goord, 487 F.Supp.2d 377, 379 (S.D.N.Y. 2007), aff'd, 305 Fed. Appx. 815 (2d Cir. Jan. 9, 2009); Baptichon v. Nevada State Bank, 304 F.Supp.2d 451, 453 (E.D.N.Y. 2004), aff'd, 125 Fed. Appx. 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

II

No party has filed any objections to Magistrate Judge Boyle's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Boyle's Report in its entirety. Defendant's motion to dismiss the complaint is granted, and the Clerk of Court is directed to close this case.

In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the pro se plaintiff, and record such service on the docket.

SO ORDERED.

15/ SANDRA J. FEUERSTEIN

Sandra J. Feuerstein
United States District Judge

Dated: December 13, 2011
Central Islip, New York